

REMARKS

Claims 1-13 are all the claims pending in the application. Applicant is amending claims 1-8.

Applicant notes that the Examiner has indicated that claims 11, 12 and 13 would be allowable if rewritten in independent form to include the limitations of 7, 8 or 9. These claims have not been rewritten because claims 7, 8 and 9 should be allowable for the reasons contained below.

Applicant thanks the Examiner for acknowledging a claim for priority under 35 U.S.C. § 119(a) - (d) and further for acknowledging receipt of all certified copies of the priority documents. Applicant also thanks the Examiner for accepting the drawings filed on February 5, 1999.

This Amendment is believed to be fully responsive to each point of rejection raised by the Examiner in the non-final Office action dated February 27, 2002. Accordingly, Applicant respectfully requests favorable reconsideration and allowance of the pending claims.

Rejection of Claims 1-8 under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1-8 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant is amending claims 1-8 to further clarify the claimed invention. These amendments do not narrow the scope of the claims, therefore, no Festo estoppel applies. Applicant respectfully requests that the rejection to claims 1-8 be withdrawn.

Applicant notes that the Examiner has not made any prior art rejections of claims 4-7, therefore, these claims should now be in condition for allowance.

Rejection of Claims 1-3 under 35 U.S.C. § 102(e) - Coursey

The Examiner has rejected claims 1-3 under 35 U.S.C. § 102(e) as being anticipated by Coursey (U.S. Patent No. 5,950,130; hereinafter Coursey). Applicant respectfully traverses this rejection.

With regard to claim 1, Coursey fails to disclose a method of downloading reprogramming data where “...*a first dedicated channel broadcasting at least the frequency and radio access parameters of a second channel...*,” is used. On page 3 of Applicant’s specification, a first dedicated channel (pilot channel) is a channel separate from a traffic channel and control channel. The dedicated channel broadcasts a list of sets of parameters corresponding to networks available in the region. (Page 5, second full paragraph of Applicant’s specification). A small bandwidth is required for the dedicated channel. (Paragraph bridging page 4 and page 5 of Applicant’s specification). The dedicated channel is standardized and the mobile unit must be configured to support the radio interface for the dedicated channel. (Page 8, third full paragraph of Applicant’s specification).

In contradistinction to the above-mentioned limitation, Coursey relies on air-interface standards, such as Interim Standards 95 and 136, where control channels are utilized to download reprogramming data. (Column 5, lines 5-35; column 9, lines 4-7; column 14, line 66 through

column 15, line 2; column 16, lines 4-10; column 20, lines 28-35 of Coursey). Thus, Coursey fails to disclose or suggest the claimed first dedicated channel.

For at least these reasons, Applicant requests that the rejection based on Coursey be withdrawn.

With respect to claims 2 and 3, they should be patentable at least by virtue of their dependency on claim 1 and for the same reasons.

Rejection of Claims 8-10 under 35 U.S.C. § 102(e) - Cannon

The Examiner has rejected claims 8-10 under 35 U.S.C. § 102(e) as being anticipated by Cannon et al. (U.S. Patent No. 5,754,954; hereinafter Cannon). Applicant respectfully traverses this rejection.

Similar to Coursey, Cannon fails to disclose or suggest a first channel. Moreover, Cannon fails to recognize the problem solved by the present invention.

Cannon discloses that a device 100 includes two modes of operation, a bootstrap mode and a regular mode. (Col. 3, lines 15-16). In the bootstrap mode, the controller 112 sends an information request signal to the central station via the transmitter 118. (Col. 3, lines 37-49). This signal requests a download of the operating and parametric information from the central station 300. Id.

As shown in figure 4 and described in column 9, lines 1-7, a reprogramming request received at the central station is serviced by retrieving information from a data bank resident at

the central station. The retrieved information is coded and subsequently transmitted to the requesting radio using bootstrap channels. Id.

Thus, Cannon fails to disclose or suggest “...*a first channel for dedicated use*” and “*broadcasting, on the first channel, at least the frequency and radio access parameters of the second channel...*,” as recited in claim 8. As stated in the grounds of rejection and disclosed in Cannon’s specification, the request signal is transmitted and the central station sends the reprogramming data using bootstrap channels. In contradistinction to Cannon, the first channel (pilot channel) is used to broadcast frequency and radio access parameters of a bootstrap channel. (see Claim 1; page 8, third full paragraph through page 9 of Applicant’s specification). For at least these reasons, Applicant requests that the Examiner withdraw this rejection.

Conclusion

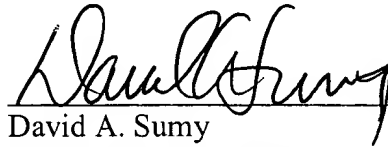
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/245,354

Attorney Docket No. Q53197

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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